



Oldham County

JAN 20 2015

Planning &amp; Development

**Board of Adjustments and Appeals**  
**Oldham County Planning and Development Services**  
**Application for Variance**

Date: \_\_\_\_\_ Docket No: OC-26-007 For Staff Use Only: Staff: SR Fee: 420

cc#  
5202  
Pd 1/20  
02

This application must be submitted in person at the Planning and Zoning Office.

**General Information:** (A separate application must be submitted for each Board of Adjustments request.)

Name of Applicant(s): BURGIN INVESTMENTS, LLC

Project Name: OLDHAM COUNTY MARTIAL ARTS ACADEMY

Project Address: 4217 KY HIGHWAY 146

City: BUCKNER Is the project within the incorporated city limits? NO

Subdivision Name: N/A Current Land Use: MARTIAL ARTS ACADEMY

Parcel ID: 30-30A-02-3A Current Zoning: C-1 Lot Size: 0.382 AC  
(16,647 SQ. FT.)

Please explain/describe the requested Variance:

REQUEST TO MOVE THE FRONT BUILDING SETBACK LINE  
FROM 35 FEET TO 12 FEET.

Are there any past or present related Planning and Zoning cases on this property? If yes, please list the cases:

N/A

**Signatures:**

Owner(s): Aaron Burgin Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Applicant(s): (if other than owner)

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Contact:**

Name: MORRIS TALBOTT Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

# **Application for Road Frontage Variance**

## **Response for Sheet 2 of the Application**

### **BACKGROUND**

The owner / applicant purchased this property in 2017 to open a Martial Arts Academy. Since that time the number of students has increased and a larger facility is needed. Classes are currently held in an existing 1595 square foot building on the site.

The owner / applicant wants to build a new building and parking on this existing 0.38 acre site. This property is zoned C-1. The existing site is connected to sewers and has all other utilities.

The owner / applicant needs a variance in order to fit the proposed building and parking onto the existing lot.

### **JUSTIFICATION**

- 1. What are the specific conditions related to this request that are unique only to the applicant's land and do not exist on other land in the same general vicinity, or in the same zoning district?**

There are zero building setback lines for C-1 zoning, except where the C-1 zoned property abuts residentially zoned property. In this case, this property abuts property zoned R-2 on Old Cedar Point Road. Therefore, without this variance request, the proposed building and parking would be required to have a 35 foot setback from Old Cedar Point Road. Other properties zoned C-1 located adjacent to and in the general have zero setbacks. It should be noted that the proposed building would be very nearly the same distance off of the roadway as the adjacent residentially zoned property.

- 2. If this variance were not granted, how would this deprive the applicant of reasonable use of the land in a manner equivalent to uses permitted to other landowners in the same zoning district?**

In the event this variance is not granted, there is simply not room for the proposed building and parking so it could not be built.

- 3. Are the unique conditions and circumstances a result of actions of the applicant taken after the adoption of the zoning regulations from which relief is sought?**

The owner / applicant purchased this property in 2017. Since then the business has outgrown the existing building and needs to be expanded. Without this variance allowing the front setback be moved from 35 feet to 12 feet, there simply is not room to build a new building and parking.

- 4. How will the variance preserve, and not harm, the public safety and welfare of the public and maintain the essential character of the neighborhood?**

This variance request will allow for a new facility and related parking. This will actually improve public safety / welfare as well as improve the character of the neighborhood. This is a nice plan for the proposed expansion and should fit well in this neighborhood.



# ***Board of Adjustments and Appeals***

## ***Application for Variance***

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### ***Submittal Checklist:***

- ☒ 1. Complete Oldham County Planning and Zoning Variance Application. (Owner's signature is required.)
- Justification Section:
1. Examples of specific conditions include size of property, location of existing structure, topography, etc.
  2. What will happen if the Variance is not granted?
  3. Did the applicant create the need for the Variance? If not, please explain why this is not the case.
  4. Will the Variance harm the surrounding properties? Are there similar situations in other parts of the community?
- ☒ 2. Required Variance Fee as listed below:
- |                                   |                               |                          |
|-----------------------------------|-------------------------------|--------------------------|
| a.) Residential-Detached \$200.00 | b.) Non-Residential: \$400.00 | c.) Industrial: \$600.00 |
| Residential-Attached \$300.00     |                               |                          |
- ☒ 3. Notice fees equal to \$5.00 per adjoining property owner.
- ☒ 4. Mailing Labels for all adjoining property owners, including name and address of all 1<sup>st</sup> tier adjoining parcels. 1<sup>st</sup> tier adjoining parcels include all those that border the property, including those across streets. (\*See note below for PVA directions)
- ☒ 5. Property information for the project location as listed by the Property Valuation Administration (PVA). (\*See note below for PVA directions)
- ☒ 6. A copy of the current recorded deed along with any applicable easement deeds or maintenance agreements. Include any surveys of the property, if available.
- ☐ 7. Eight copies of a plan showing existing conditions and including:
- ☒ Property Boundaries and easements with dimensions.
  - ☒ Location and exterior dimensions of existing structures.
  - ☒ Location and dimensions of any proposed structures.
  - ☒ Location and dimensions of any existing or proposed signs.
  - ☒ Location of any parking areas and/or driveways.
  - ☒ Distances between any existing and proposed structures to the property boundaries.
  - ☒ Current property zoning and neighboring property zoning.
  - ☒ Name and address of project property owner and all adjoining property owners.
  - ☒ Adjoining Streets with labels.
  - ☒ Vicinity Map showing location of property in relation to nearest major intersection.
  - ☒ North Arrow.
  - ☒ Highlight, in yellow, the location of the requested Variance.
  - ☒ Label the dimensions of the requested Variance.
- ☐ 8. Photos and other supporting documents.

*\* Accessing PVA information: Property information may be accessed on the internet at [www.oldhampva.com](http://www.oldhampva.com). In order to search for a property, users must select "Tax Payer Info" from the left column then select "Property Search". Once located, users may print the information using the print command on their internet browser. For adjoining property owners or further assistance contact PVA at 110 W. Jefferson Street in LaGrange or at (502)222-9320. Last Updated 8/30/2015*